

Sullivan County NH

Type of Meeting: Board of Commissioners – Public Meeting Minutes

Date / Time: July 7, 2005; 11:00 PM

Place: Newport – Sullivan County Commissioners Conference Room, 14 Main Street

ATTENDEES: Commissioners Donald S. Clarke – *Chair*, Bennie C. Nelson – *Vice Chair* and Ethel Jarvis – *Clerk*; Laurie Geer (minute taker).

OTHER PUBLIC ATTENDEES: Representative Peter Franklin, Rebecca Miller – Eagle Times staff reporter; James Lowe – Argus Champion staff reporter.

11:07 The meeting was brought to order by Commissioner Clarke. All recited the *Pledge of Allegiance*.

AGENDA ITEM NO. 1 MEETING MINUTES

JUNE 21, 2005 PUBLIC MEETING MINUTES

11:10 A motion was made by Commissioner Jarvis to approve the June 21, 2005 public meeting minutes, and to correct a spelling error on 3rd page, in agenda 5 section, “old age assistant” s/b “old age assistance”. Commissioner Nelson seconded the motion. A voice vote was taken. The motion carried unanimously.

JUNE 21, 2005 EXECUTIVE SESSION MEETING MINUTES 12:30 PM – TO APPROVE

11:11 A motion was made by Commissioner Nelson to approve the June 21, 2005 (12:30) Executive Session meeting minutes and unseal the minutes. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

JUNE 21, 2005 EXECUTIVE SESSION MEETING MINUTES 2, 1:01 PM – TO APPROVE AND UNSEAL

11:12 A motion was made by Commissioner Nelson to approve the executive session number 2 meeting minutes of June 21, 2005, and to unseal the meeting minutes. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

JUNE 21, 2005 EXECUTIVE SESSION MEETING MINUTES 3 – TO APPROVE AND UNSEAL

11:13 A motion was made by Commissioner Nelson to approve and release the executive session number 3 meeting minutes of June 21, 2005. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

JUNE 27, 2005 COMMISSIONERS / EXECUTIVE FINANCE COMMITTEE SPECIAL MEETING

Commissioner Jarvis noted in the 2:17 p.m. motion on the June 27th meeting minutes, the "04 amount of \$9,433,119" should say "05 amount of \$9,433,119.

Commissioner Clarke recommended separating the public portion of the draft minutes from the non-public section. Commissioner Jarvis indicated there was a lot of discussion on whether they should be in executive session, or not, and feels it should be considered all public minutes. Commissioner Clarke noted, as typed in the draft minutes, they were in executive session and the minutes should document that information.

Representative Franklin indicated he had comments to make regarding the June 27th draft meeting minutes.

11:14 A motion was made by Commissioner Nelson to table the minutes from June 27, in order to separate the public and non public portions. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried unanimously.

AGENDA ITEM NO. 2 NURSING HOME REPORT

AGENDA ITEM NO. 2.A. CENSUS

Courtney Marshall, Nursing Home Administrator, distributed copies of a "Census List". Mr. Marshall mentioned Julie Woodman was on vacation, therefore, his usual census format was different. Census shows, of the 156 licensed, 126 were occupied. He noted Patti Koscielniak is now on board, they received a consultant visit yesterday, and they have set a goal of 4 admissions per week, which he feels they can handle. After tomorrow, will have had 3 admissions. Marshall anticipates presenting the Commissioners with a formal written plan of action. Marshall handed out a "*Clinical Services Action Plan*" sheet, and noted this was not something the Commissioners needed to take action on.

STAFFING

Mr. Marshall indicated there have been no agency nurses in the facility since June 25th. Staff has been excellent. A few full time staff have been hired since June 25th. June Brunelle, interim DON, took over scheduling and hiring for the Nursing Department in consultation with the nurses, Human Resources, and using screening tools she has been trained on. She's been doing round the clock meetings to explain the change of staffing - staffing problem with too many working Tue/Wed/Thu and not enough the rest of the time. She's receiving favorable responses. She's also handling enforcement of current policies. They hired a per diem RN and LNA this week. He's unaware of losing any employees. Mr. Marshall noted the MacConnell Unit could be the premier Alzheimer's Unit in the area and state, as a niche, but they need to get back to the psychosocial model of care on the unit; to get away from the medical model, of leaving people there forever, which involves transferring the people as they enter the late stages to the medical floors, and retraining staff on the Alzheimer's patient and work with them in getting Activities and Social Services involved. The two admissions this week were to the MacConnell Unit, and they were able to move two residents - who were in late stages, non-ambulatory, to the medical area - with positive cooperation from the families.

MEDICAID RATE – good news on the Medicaid rate.

Commissioner Jarvis received a telephone call regarding the odor of the water at the Nursing Home and asked if Mr. Marshall had noticed this or if he had received any comments. He had not, but will contact the Facilities Director to discuss the matter.

Commissioner Clarke asked, of Representative Franklin, if he had questions regarding the Nursing Home census report.

Rep. Franklin asked if the 126 was up or down from the previous week. Marshall indicated it was up from 124 the previous week.

Commissioner Clarke asked what the net increase would be with the goal of four admissions per week. Marshall noted it would be two.

Commissioner Clarke reminded Marshall of the comment given during the pancake breakfast from the lady who runs the “Day Out Program” (Carla Skinder), regarding making sure there are available respite beds for ambulatory Alzheimer’s people that are taken care of by family members at home – this would allow family member to take a temporary break and make travel arrangements in advance. Mr. Marshall indicated he’d check on this. Commissioner Nelson reminded Marshall that Representative Donovan dealt a lot with placing people in respite care, and suggested they hook up also.

AGENDA ITEM NO. 2.B. DIETARY REPORT

Mr. Marshall noted Ron McPhall had taken a planned vacation day to attend a wedding in Michigan so was not available to provide the dietary report.

A motion was made by Commissioner Jarvis to table the “Dietary Report – Ron McPhall (probable executive session per RSA 91-a:3.ii.e)”. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Mr. Marshall left the meeting.

AGENDA ITEM NO. 3 COUNTY MANAGERS REPORT

The County Manager was not at the meeting. Commissioner Clarke presented the items for discussion.

AGENDA 3.A. FAMILY DAY PROCLAMATION

Commissioner Clarke read through the proclamation (see copy on file at Commissioners Office).

A motion was made by Commissioner Nelson to approve the proclamation and sign it. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried unanimously.

AGENDA ITEM NO. 3.B. CONNOR & CONNOR INC. CONTRACT – REGISTRY OF DEEDS

Commissioner Clarke requested Laurie Geer to call Sharron King, Registrar of Deeds, in order to discuss the contracts. They went out of order from the agenda.

AGENDA ITEM NO. 3.C. COUNTY REIMBURSEMENT POLICY

Commissioner Clarke noted he went through the red lined copy of the changes, which included: changing the terminology of “County Administrator” to “County Manager” and the rate from .34 to .37 - the rate adopted by the Delegation at the Annual Convention June 28th. He did not see anything else that was too controversial.

A motion was made by Commissioner Nelson to approve the changes to the County Reimbursement Policy. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 3.D. DOC COMPLIANCE LETTER W/MINUTES

Commissioner Clarke explained this was a letter to the Attorney General to confirm they inspected the DOC facility, per RSA’s. The minutes for the meeting, which included the DOC tour notes, would be attached to the letter.

A motion was made by Commissioner Nelson to authorize Commissioner Clarke to sign the letter. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Commissioner Clarke requested Ms. Geer to send the letter to the Attorney General’s office after the meeting adjourned.

AGENDA ITEM NO. E PROSHARE DISCUSSION

Commissioner Clarke indicated he spoke earlier to the County Manager regarding the issue. Mr Clarke noted, when the agenda was originally created they intended to meet with the County Attorney, but he feel there is no necessity of that at this point. Commissioner Clarke noted, for public, that the County did return a portion of the Proshare funds, and that there is a special meeting in Concord of the State Finance Committee Friday at 1:30 p.m. Clarke will be attending the meeting. He’s unsure if the County Manager will be back in time to attend. Comm. Clarke received a call from Charlotte Houde-Quimby requesting to attend – and noted to her it was a public meeting. Mr. Clarke noted he would recommend they not make commitments during the Friday meeting, but bring the issue(s) back to the full board and involve the Delegation.

AGENDA ITEM NO. 4 COMMISSIONERS REPORT

Commissioner Jarvis reiterated the issue of the Nursing Home water odor.

Commissioner Nelson requested a list of the Facilities Director CIP priorities.

AGENDA ITEM NO. 5 PUBLIC PARTICIPATION

Representative Franklin indicated he had general remarks regarding minutes taken for nonpublic meetings, as stated in 91-A, it notes nonpublic minutes be released within 72 hours whether approved or not. Comm. Clarke indicated he disagreed but would confer with County Attorney. He noted that there were some issues with Executive Sessions that could be kept sealed indefinitely. Rep. Franklin quoted 91-A:2 Meetings Open to Public, (II) *"All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies..."* and then it goes down to *"A brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of public decisions"* Mr Franklin noted this was 6 days (he paused at length to search through a book to find another RSA). Commissioner Clarke asked if this issue could be placed on the agenda for another time as neither the County Manager, but he was cut off by Mr. Franklin who indicated he would prefer to do this today. Franklin noted he found the section, 91-A:3.III and quoted *"Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions"* and so forth'.

Commissioner Clarke noted to Rep. Franklin, based on what he just read, he understands if there was a mistake made on their part in the past, it was that they waited to review the executive session minutes, and should have voted, to receive a 2/3 vote on keeping the minutes sealed or unsealed, during the actual meeting.

Rep. Franklin continued, instructing the Commissioners that 'to access a "general statement of non public session" there has to be a recorded roll call vote to go in and to come out, and to note the time'. Commissioner Clarke confirmed this was done. Rep. Franklin noted in the June 27th meeting minutes, the roll call was done, the names were not noted, but that if someone decants you have to note who was for and who was against. Rep. Franklin indicated that the non-public meeting minutes must state who attends the meeting. Franklin then questioned who attended the meeting, during the non-public session. Commissioner Clarke noted the minutes had not been approved as they were going to be split from public, but that he can assume the attendees were the same that were listed. Commissioner Jarvis began to quote from a copy she had of the typed June 27th meeting minutes draft the attendees listed on page 1, but was then was stopped

by Rep. Franklin as he noted he wanted to make sure who was present during the executive session. Mr. Franklin continued, indicating, 'the three Commissioners, the County Manager, Sharon Johnson-Callum, and County Delegates?' At this point Commissioner Jarvis added the Delegates names of: Brenda Ferland, Charlotte Houde-Quimby, Larry Converse and Stephen Prichard. Commissioner Clarke could not vouch if they stayed or not. Commissioner Jarvis noted they did stay for that portion. Commissioner Nelson concurred with Commissioner Jarvis. Rep. Franklin continued stating 'when you go into non public session, the normal thing is, that the board, whatever that board is, the board of selectmen or any other board, alone, just the board alone, the members of that board alone, go in to non public session. They don't sweep in anyone else, and if anyone else goes in, they have to be asked by the body. You can, for example, ask the County Manager, you can ask the secretary, but they have to be listed as attending that meeting. You could under some scenarios ask representatives to go in, but you were going in under personnel issues, per RSA 91-A:3.II.c, now that particular situation does not involve personnel. Personnel is either [91-A:3.II.] "a" or "b", but not "c". Comm. Nelson interrupted to note that the meeting was a joint meeting of the Commissioners and Executive Finance Committee. Commissioner Clarke noted there was no action taken during the executive session of that meeting. Commissioner Clarke noted to Rep. Franklin he was becoming uncomfortable, as some of the folks involved were not present. Rep. Franklin indicated he was involved in that meeting (Jun 27th) and he was not there. Commissioner Clarke requested they place this issue on a future meeting agenda, and have the minute taker, and County Manager - who requested the Executive Session, and the County Attorney, if he deemed it appropriate, available. Rep. Franklin noted he would prefer to get the issues out on the table to clear the air. Commissioner Clarke indicated he knew what Rep. Franklin preferred, but that it would be better to bring them out when everyone involved was present. Rep. Franklin noted he was not there to defend himself at that meeting, and was not even notified that he was going to be the subject of the discussion, and now would like to get it on the record of what he thinks happened, or what he thinks went wrong, and is not asking for a decision today or any decision necessarily but wants to get it out in the open and feels the only way to do that is to do that at a public meeting. Commissioner Clarke asked if Rep. Franklin had time constraints on this? Franklin indicated "yes". Clarke asked the difference whether they heard it today versus when all people involved were present at the next meeting, two weeks from now. Rep. Franklin noted 'it affects the budget, it affects Proshare and it affects the meeting held the next day'. Clarke asked how it affects Proshare. Rep. Franklin said he could get in to that but is not going to go there. He noted he has a way to go bout this where he thinks it setting forth fairly logically where he's coming from. Commissioner Clarke asked for the Boards thoughts. Commissioner Jarvis noted she saw no reason not to continue hearing Peter. She discussed a paragraph in the June 27th draft minutes. Clarke indicated he would take the prerogative of the Chair and rule not to hear any more until everyone involved is present. Rep. Franklin asked it to be noted that he has an objection with that. Rep. Franklin noted it was not right to discuss him, by the County Manager or anyone else, without notifying him so that he could be present. Commissioner Clarke confirmed this would be noted in the minutes.

Rep. Franklin requested that all notepapers and/or audiocassettes of the Jun 27th meeting be preserved. Commissioner Clarke confirmed no tapes would be erased. Commissioner Clarke noted to Mr. Franklin that Commissioner Jarvis did object during the executive session, and then they received another objection, therefore they discontinued the executive session immediately.

UPCOMING EVENTS

Commissioner Clarke noted the Board's next meeting would be Tue, Jul 19th in Unity.

Rep. Franklin indicated he spoke to Jim Fredyma about Proshare and wondered if the Commissioners would like to hear about the discussion, as well as the County Manager so that all are present. They agreed.

AGENDA ITEM NO. 3.B. CONNOR & CONNOR

Sharron King entered room.

Ms. King noted the Connor & Connor contracts for the Registry of Deeds were routine - a continuation of everything they have done since 1983. She noted the only new item is that some of the software is changing and they are adding a new piece to the computer system where they keep their main frame, due to programming changes. She added they are trying to make data entry more efficient for registry and tightening up on things. The contracts include:

1. Current Indexing System - \$2,500 per month, \$30,000 annually.
2. Current Imaging System - \$2,800 monthly, \$33,600 annually.
3. Current Internet System - \$850.00 monthly, \$10,200 annually.

(Copies on file in Commissioners Office)

12:17 A motion was made by Commissioner Nelson to authorize Commissioner Clarke signing the Connor & Connor / Registry of Deeds agreements. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

12:19 A motion was made by Commissioner Jarvis to adjourn the meeting. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,



*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.